

The plea agreement reached pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) requires a base offense level of 28 based on a drug quantity of at least 200 but less than 350 grams of a mixture or substance containing methamphetamine. The PSR sets out a quantity of 1,588.32 kilograms of marijuana, converted, resulting in base offense level 32. The Defendant objects to numerous paragraphs in the PSR relating to drug quantity, requesting that the objections to the PSR be heard and granted, or in the alternative that the Defendant be sentenced within the range contemplated in the plea agreement.

The Court's tentative findings are that, absent unusual circumstances, the Rule 11(c)(1)(C) plea agreement should be upheld and the base offense level should be calculated as level 28.

IT IS ORDERED:

1. The Court's tentative findings are that the Defendant's Objections to the Presentence Investigation Report (Filing No. 65) are granted insofar as the Court intends to honor the Rule 11(c)(1)(C) plea agreement;
2. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and
5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 9<sup>th</sup> day of May, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge